

# **EXHIBIT R**



**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

ROBERT G. WINGO,

Plaintiff,

vs.

THYSSENKRUPP MATERIALS NA, INC.,  
d/b/a COPPER and BRASS SALES, INC.

Defendant.



Case No. 1:08:CV-00368

Honorable Samuel Der-Yeghiayan

**DEFENDANT THYSSENKRUPP MATERIALS NA, INC., d/b/a COPPER and BRASS  
SALES, INC.'S SUPPLEMENTAL ANSWER TO PLAINTIFF'S FIRST SET OF  
INTERROGATORIES AND FIRST REQUESTS TO PRODUCE**

Defendant ThyssenKrupp Materials, NA, Inc., d/b/a Copper and Brass Sales ("Copper and Brass"), through its attorneys Quarles & Brady, LLP and Honigman Miller Schwartz and Cohn, LLP, provides the following as its supplemental answers and responds to Plaintiff's First Set of Interrogatories and First Requests to Produce as follows:

**INTERROGATORIES**

**INTERROGATORY NO. 1:**

Identify the name, title, age, and responsibilities of all individuals involved in making the decision to terminate Plaintiff's employment in December 2007. Identify the name, title, and age of all individuals with knowledge thereof and all documents related thereto.

**ANSWER:**

Randy Lunt, Plant Manager. His responsibilities include overall supervision of Copper and Brass' Schaumburg facility. Lunt's date of birth is January 5, 1954.

**INTERROGATORY NO. 2:**

Identify and describe any and all reasons for the termination of Plaintiff's employment in December 2007, including any criteria, rules, guidelines, policies or procedures relied upon to determine said termination. Identify the name, title, and age of all individuals with knowledge thereof and all documents related thereto.

**ANSWER:**

On December 3, 2007, Plaintiff was terminated for falsifying company records/documents in violation of the work rules as set forth in the Employee Report Form attached to these responses. Copper and Brass relied on the collective bargaining agreement and work rules. Plaintiff's termination came after an extended period of unacceptable performance for which he had been disciplined. See attached documents bates stamped CB-WINGO 00005-00032 and CB-WINGO 60742-00771 and 00674-00682. Persons with knowledge include Plaintiff, Randy Lunt, Peter Larocco, Geno Rodriguez, and Mark Demien. Lunt is 54 years old, Demien's date of birth is January 22, 1961, or age 47, Larocco's date of birth is September 11, 1959, or age 48, and Rodriguez's birth date is unknown.

**INTERROGATORY NO. 3:**

Identify the name, title, age, and responsibilities of all individuals with ultimate decision-making authority to terminate Warehouse Clerks at Defendant's Schaumburg facility during the relevant time period. Identify the name, title, and age of all individuals with knowledge thereof and all documents related thereto.

**ANSWER:**

Randy Lunt, plant manager, age 54.

**INTERROGATORY NO. 4:**

Identify the name, age, and position of all individuals who were terminated on the same basis used to terminate Plaintiff during the relevant time period. Identify the name, title, and age of all individuals with knowledge thereof and all documents related thereto.

**ANSWER:**

No one else was terminated for falsifying company records/documents in violation of the work rules.

**INTERROGATORY NO. 5:**

Identify & and describe with specificity each and every deficiency of Plaintiff's performance, including any criteria, rules, guidelines, policies, or procedures relied upon to determine said deficiency. Identify the name, title, and age of all individuals with knowledge thereof and all documents related thereto.

**ANSWER:**

This interrogatory does not provide any guidance concerning the time frame for Plaintiff's performance deficiencies. See attached documents bated and stamped CB-WINGO 00005-00032, 00033-00386, 00411-00412, 00426-00428. Such persons with knowledge include Plaintiff, Randy Lunt, Mark Demien, Peter Larocco and Geno Rodriguez. For their ages, see response to Interrogatory No. 2.

**INTERROGATORY NO. 6:**

Identify and describe with specificity the date and reason for each and every instance of discipline issued to Plaintiff during the relevant time period. Identify the name, title, and age of all individuals with knowledge thereof and all documents related thereto.

**ANSWER:**

See documents referenced in response to Interrogatory No. 5 and accompanying response.

**INTERROGATORY NO. 7:**

Identify and describe with specificity the title and responsibilities of each position that Plaintiff has held as an employee of Defendant. Identify the name, title, and age of all individuals with knowledge thereof and all documents related thereto.

**ANSWER:**

Warehouse clerk. A copy of the job description for that position is produced with these supplemental responses and bated and stamped CB-WINGO 00684-00685. Copper and Brass objects to the second sentence of this interrogatory because it is vague and ambiguous as to the type of information sought. To the extent that the second sentence is correctly understood, such persons would include Randy Lunt and Mark Demien. For their ages, see response to Interrogatory No. 2.

**INTERROGATORY NO. 8:**

Identify the name and age of all individuals who held the same position as Plaintiff immediately prior to his termination. Identify the name, title, and age of all individuals with knowledge thereof and all documents related thereto.

**ANSWER:**

See attached documents bated and stamped CB-WINGO 00659. Such persons with knowledge include Lunt, Demien, Rodriguez and all persons who held the position.

**INTERROGATORY NO. 9:**

Identify the name and age of all individuals who held the same position as Plaintiff, and/or were assigned Plaintiff's shift, immediately following his termination. Identify the name, title, and age of all individuals with knowledge thereof and all documents related thereto.

**ANSWER:**

See attached documents bates stamped CB-WINGO 00660. Such persons with knowledge include Lunt, Demien, Rodriguez and all persons who held the position.

**INTERROGATORY NO. 10:**

Identify the date and conduct that led Defendant to first suspect Plaintiff was performing inadequately as an employee of Defendant. Identify the name, title, and age of all individuals with knowledge thereof and all documents related thereto.

**ANSWER:**

Copper and Brass objects to this interrogatory because it is vague and ambiguous as well as overly broad. Not waiving those objections and to the extent that Copper and Brass correctly understands this interrogatory, Plaintiff was disciplined many times over the years as a result of his performing inadequately. As concerns the particulars, see the attached produced documents bates stamped CB-WINGO 00005-00032; 00054-00056; 00065-00115. Such persons with knowledge would include Plaintiff, Randy Lunt, age 54, and Mark Demien, age 47.

**INTERROGATORY NO. 11:**

Please describe Plaintiff's performance prior to Defendant becoming aware of Plaintiff's performance deficiencies. Identify the name, title, and age of all individuals with knowledge thereof and all documents related thereto.

**ANSWER:**

Copper and Brass objects to this interrogatory because it is vague and ambiguous as well as overly broad. Not waiving those objections, see the response to interrogatory no. 10. Such persons with knowledge include Plaintiff, Randy Lunt, age 54, and Mark Demien, age 47.

**INTERROGATORY NO. 12:**

Identify and describe with specificity the method used by Warehouse Clerks at Defendant's Schaumburg facility to record and enter data into their daily production logs, including but not limited to transactions begun but not completed by an employee prior to the end of his/her shift. Identify the name, title, and age of all individuals with knowledge thereof and all documents related thereto.

**ANSWER:**

See document bate stamped CB-WINGO 00683. Persons with knowledge would include Randy Lunt, age 54, and Mark Demien, age 47.

**INTERROGATORY NO. 13:**

Identify the name, age, and title of all individuals who supervised Plaintiff as an employee of Defendant during the relevant time period. Identify the name, title, and age of all individuals with knowledge thereof and all documents related thereto.

**ANSWER:**

Such persons would include Randy Lunt, age 54, and Mark Demien, age 47, and James Dunne, age 47.

**INTERROGATORY NO. 14:**

Identify the name, age, and position of all individuals at Defendant's Schaumburg facility who made a complaint of age discrimination during the relevant time period with respect to their employment with Defendant. Identify the name, title, and age of all individuals with knowledge thereof and all documents related thereto.

**ANSWER:**

Copper and Brass objects to this interrogatory because it seeks irrelevant information and it is not otherwise reasonably calculated to lead to the discovery of admissible evidence.

**INTERROGATORY NO. 15:**

Identify and describe with specificity the date and reason for each and every instance of discipline issued to Tyler Demien during the relevant time period. Identify the name, title, and age of all individuals with knowledge thereof and all documents related thereto.

**ANSWER:**

Copper and Brass objects to this interrogatory because it seeks irrelevant information and it is not otherwise reasonably calculated to lead to the discovery of admissible evidence. Not waiving those objections, see documents attached as bate stamped CB-WINGO 00662-00663.

**INTERROGATORY NO. 16:**

Identify and describe with specificity the date and reason for each and every instance of discipline issued to Al Herrera during the relevant time period. Identify the name, title, and age of all individuals with knowledge thereof and all documents related thereto.

**ANSWER:**

Copper and Brass objects to this interrogatory because it seeks irrelevant information and it is not otherwise reasonably calculated to lead to the discovery of admissible evidence. Not waiving those objections, see documents attached as bate stamped CB-WINGO 00664-00673.

**INTERROGATORY NO. 17:**

Identify and describe with specificity the date and reason for each and every instance of discipline issued to Mario Alvarez during the relevant time period. Identify the name, title, and age of all individuals with knowledge thereof and all documents related thereto.

**ANSWER:**

Copper and Brass objects to this interrogatory because it seeks irrelevant information and it is not otherwise reasonably calculated to lead to the discovery of admissible evidence. Not waiving those objections, see documents attached as bate stamped CB-WINGO 00686-00700.

**INTERROGATORY NO. 18:**

Identify and describe with specificity the date and reason for each and every instance of discipline issued to Zidrow during the relevant time period. Identify the name, title, and age of all individuals with knowledge thereof and all documents related thereto.

**ANSWER:**

Copper and Brass objects to this interrogatory because it is vague and ambiguous, seeks irrelevant information and it is not otherwise reasonably calculated to lead to the discovery of admissible evidence. Further responding, Copper and Brass is not aware of any employee named Zidrow.

**INTERROGATORY NO. 19:**

Identify and describe the date and basis for all complaints made against Mark Demien as an employee of Defendant during the relevant time period. Identify the name, title, and age of all individuals with knowledge thereof and all documents related thereto

**ANSWER:**

Copper and Brass objects to this interrogatory because it seeks irrelevant information and it is not otherwise reasonably calculated to lead to the discovery of admissible evidence.



**RESPONSE:**

Copper and Brass objects to this request because it seeks irrelevant information and it is otherwise not reasonably calculated to lead to the discovery of admissible evidence. Furthermore, Copper and Brass objects to the other request because it is overly broad and unduly burdensome.

**CERTIFICATION TO INTERROGATORY ANSWERS**

I hereby certify that I am employed by ThyssenKrupp Materials NA, Inc. d/b/a Copper and Brass Sales, Inc. ("Copper and Brass"); my title is PLANT MANAGER. I have read the foregoing supplemental answers to Plaintiff's first set of interrogatories and requests for documents and know the contents thereof; many of the answers contained herein are based on information supplied by other employees of Copper and Brass, counsel for Copper and Brass, and/or are based on records and information still in existence and therefore are necessarily limited by the same; Copper and Brass reserves the right to make any changes to any answer if it appears that omissions or errors have been made herein or if it appears that more accurate information is available; and subject to the limitations contained herein, the foregoing is true to the best of my knowledge, information and belief.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on June 16, 2008.

